

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RODERICK NATHANIEL
WASHINGTON,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 1:24-cv-01055-SAB (PC)
ORDER STRIKING PLAINTIFF'S FIRST
AMENDED COMPLAINT, DENYING
MOTION TO EXCEED 25-PAGE LIMIT,
RETURNING FIRST AMENDED
COMPLAINT TO PLAINTIFF, AND
GRANTING THIRTY DAYS TO FILE AN
AMENDED COMPLAINT
(ECF Nos. 13, 14)

Plaintiff is proceeding pro se in this action filed pursuant to 42 U.S.C. § 1983.

On May 12, 2025, the Court screened Plaintiff's complaint, found no cognizable claims for relief, and granted Plaintiff thirty days to file an amended complaint, limited to 25-pages in length. (ECF No. 10.)

On June 25, 2025, Plaintiff filed a first amended complaint, along with a motion to exceed the 25-page limitation. (ECF Nos. 13, 14.) Plaintiff's first amended complaint is 423 pages in length, consisting of 41 pages of factual allegations and 382 pages of exhibits. (ECF No. 14.)

Federal Rule of Civil Procedure 8 requires that allegations in a complaint "be simple, concise, and direct. Fed. R. Civ. P. 8(d)(1). Pursuant to Rule 8, this Court limits complaints to

1 twenty-five pages. See Lal v. United States, No. 2:20-cv-00349 JAM DB P, 2022 WL 37019, at
2 *2 (E.D. Cal. Jan. 3, 2022); Williams v. Corcoran State Prison, No. 1:21-cv-01009-JLT-BAM
3 (PC), 2022 WL 1093976, at *1 (E.D. Cal. Apr. 12, 2022). The page limit includes the complaint
4 itself and any exhibits, for a total of 25-pages. See Rivas v. Padilla, No. 1:21-cv-00212-GSA PC,
5 2022 WL 675704, at *2 (E.D. Cal. Mar. 7, 2022).

6 In this instance, Plaintiff has not demonstrated good cause for exceeding the 25-page
7 limitation, and Plaintiff's first amended complaint consisting of 423 pages is clearly in
8 contravention of the Court's May 12, 2025, screening order and Rule 8. With regard to
9 submission of exhibits, Plaintiff is advised that there is no need to submit evidence in support of
10 his alleged complaint. The Court must accept Plaintiff's allegations as true. Indeed, parties may
11 not file evidence with the Court until the course of litigation brings the evidence into question (for
12 example, on a motion for summary judgment, at trial, or when requested by the Court). (See ECF
13 No. 8 at 3:10-13 [“Evidence improperly submitted to the Court may be stricken/returned.
14 Similarly, a pro se plaintiff need not attach exhibits to his complaint to prove the truth of what is
15 said in the complaint.”].) Further, it appears that the majority of Plaintiff's exhibits attached to
16 the first amended complaint relate to exhaustion of the administrative remedies. However,
17 Plaintiff need not plead or prove exhaustion of the administrative remedies as it is an affirmative
18 defense to be raised and briefed by Defendants. Jones v. Bock, 549 U.S. 199, 216 (2007); see also
19 Fordley v. Lizarraga, 18 F.4th 344, 353 (9th Cir. 2021) (“[T]he failure to exhaust
20 administrative remedies is an affirmative defense for which defendants bear the initial burden of
21 showing that an administrative process was available ... and also bear the ultimate burden of
22 proof.”) (citations omitted); Albino v. Baca, 747 F.3d 1162, 1166 (9th Cir. 2014) (en banc)
23 (“Failure to exhaust under the PLRA is an affirmative defense the defendant must plead and
24 prove.”) (citation omitted). Accordingly, Plaintiff's motion to exceed the 25-page limit shall be
25 denied and the first amended complaint will be stricken from the record.

26 Based on the foregoing, it is HEREBY ORDERED that:

27 1. Plaintiff's motion to exceed the 25-page limitation is DENIED;
28 2. Plaintiff's first amended complaint (ECF No. 14) is STRICKEN from the record

1 and shall be returned to Plaintiff;

2 3. The Clerk of Court shall send Plaintiff a civil rights complaint form;

3 4. Plaintiff is granted **thirty (30)** days from the date of service of this order to file a
4 first amended complaint limited to 25-pages, including exhibits; and

5 5. Failure to comply with this order will result in a recommendation to dismiss the
6 action.

7 IT IS SO ORDERED.

8 Dated: July 1, 2025



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10 STANLEY A. BOONE
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12 United States Magistrate Judge
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